IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13948 of 2005

Between:

P. Srinivas Rao, S/o. P. Ram Gopal Rao,
R/o. 16-2-836/47/B, Madhavanagar, Saidabad, Hyderabad.

..... PETITIONER

AND

1. The Indian Oil Corporation Ltd., G-9, Ali Yawar Jung Marg, Bandra East, Mumbai, State of Maharashtra, Rep. by its Chairman.

2. The Indian Oil Corporation Ltd., Division Office, 3-6-436 to 438, IInd Floor, A.P. Rep. by its General Manager,.

3. The Senior Divisional Retail Sales Manager, Secunderabad Division Office, Indian Oil Corporation Ltd., H.No. 3-6-436 to 438, IInd Floor, Naspur House, Himayatnagar, Hyderabad-500 029, A.P.

4. Mohd. Ibraheem Jalal, S/o. Ismail Ahmed, A.C. Guards, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.1 to 3 herein in not rejecting the application of the 4th respondent herein for the allotment of Dealership under the Physically Handicapped Category of retail out-let of Indian Oil Corporation Ltd., at Chennur VIllage of Adilabad District. Since the Respondent No.4 herein has not attained the qualifying age of 21 years as required, as illegal, arbitrary and contrary to the terms and conditions of allotment, and consequently direct the respondents No.1 to 3 herein to allot retail out-let of Indian Oil Corporation Limited at Chennur

Village of Adilabad District to the petitioner herein.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos.1 to 3: MR.P.V.SANJAY KUMAR

Counsel for the Respondent No.4: --

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the alleged action of the respondents in not rejecting the application of the fourth respondent though he does not fulfill the requirement with reference to age as stipulated in the notification calling for applications for selection and allotment of retail outlet dealership.

According to the petitioner, he came to know that he was placed at serial No.2 in the selection penal, while the fourth respondent at serial No.1. He filed a complaint stating that the fourth respondent is aged only 19 years and did not fulfill the requirement of the notification, as the stipulated minimum age is 21 years. The petitioner also states that in pursuance of the complaint, an Enquiry Officer was appointed and enquiry was also conducted. Thereafter, a communication was received on 28.03.2005 from the second respondent stating that he has considered and examined the issue and also informing that the procedure contemplated under the guidelines is being followed for selection and allotment of retail outlet dealership at Chennur Village of Adilabad District. As the second respondent did not communicate as to his selection as a candidate for appointment as a retail outlet dealer in pursuance of the notification, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

A notification was issued by the respondent-Corporation calling for applications for selection and appointment of a retail outlet dealer for distribution of oil. The applications received are under consideration and no final orders are passed so far allotting or appointing any of the applicants as a dealer. However, the petitioner, in his anxiety, approached the second respondent by making a complaint against the fourth respondent. Even though the petitioner is aware of the action of the respondents in pursuance of his complaint and in fact it was informed by the second respondent by his letter dated 28.03.2005 that the procedure is being followed, still he has rushed to this Court seeking something more which he is not expected to get at this stage.

Under the above circumstances, the writ petition is premature and the same is accordingly dismissed. No costs.

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29.06.2005

VGB

To

1. The Chairman, Indian Oil Corporation Ltd., G-9, Ali Yawar Jung Marg, Bandra East, Mumbai, State of Maharashtra.

2. The General Manager, Indian Oil Corporation Ltd., Division Office, 3-6-436 to 438, IInd Floor, A.P.

3. The Senior Divisional Retail Sales Manager, Secunderabad Division Office, Indian Oil Corporation Ltd., H.No. 3-6-436 to 438, IInd Floor, Naspur House, Himayatnagar, Hyderabad-500 029, A.P.

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